

CERTIFICATE OF MAILING

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Sharon L. Tabor
Sharon L. Tabor

Attorney Docket No. 741890-23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APR 15 2004 In re PATENT application of)
Martin CALDWELL et al.) Confirmation No. 4375
Application No. 10/048,165) Group Art Unit: 3731
Filed: January 29, 2002) Examiner: Bradford C. Pantuck
For: A SURGICAL ACCESS DEVICE)

RESPONSE TO ELECTION REQUIREMENT

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APR 20 2004

TECHNOLOGY CENTER 3700

Sir:

In response to the election requirement set forth in the Office Action mailed February 13, 2004, Applicants hereby elect Group 1, the invention according to claims 1-26 for examination on the merits. Applicants reserve the right to file one or more divisional applications to the non-elected embodiments of Groups 2 and 3.

Prompt examination of the application is respectfully requested.

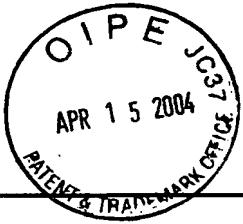
Respectfully submitted,

A handwritten signature of Tim L. Brackett, Jr., consisting of stylized initials and a surname.

Tim L. Brackett, Jr.
Registration No. 36,092

NIXON PEABODY LLP
401 9th Street, N.W., Suite 900
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(202) 585-8080 (Fax)

Dated: April 13, 2004



3731/9

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/048,165
		Filing Date	January 29, 2002
		First Named Inventor	Martin CALDWELL
		Group Art Unit	3731
		Examiner Name	Bradford C. Pantuck
Total Number of Pages in This Submission	6	Attorney Docket Number	741890-23

ENCLOSURES (check all that apply)				
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____			
	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (<i>Appeal Notice, Brief, Reply Brief</i>) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (<i>please identify below:</i>) Return Receipt Postcard			
	Remarks <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.			

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APR 20 2004

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Tim L. Brackett, Jr., Reg. No. 36,092 Nixon Peabody LLP 401 9th Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	April 13, 2004

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Name (Print/Type)	Sharon L. Tabor
Signature	
	Date



FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 55.00)

Complete if Known	
Application Number	10/048,165
Filing Date	January 29, 2002
First Named Inventor	Martin CALDWELL
Examiner Name	Bradford C. Pantuck
Art Unit	3731
Attorney Docket No.	741890-23

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account:

Deposit Account Number

19-2380 (741890-23)

Deposit Account Name

Nixon Peabody LLP

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001	770	2001	385 Utility filing fee
1002	340	2002	170 Design filing fee
1003	530	2003	265 Plant filing fee
1004	770	2004	385 Reissue filing fee
1005	160	2005	80 Provisional filing fee

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X _____	= _____
			- 3** =	X _____	= _____
			X _____	= _____	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202	18	2202
1201	86	2201
1203	290	2203
1204	86	2204
1205	18	2205

Claims in excess of 20
Independent claims in excess of 3
Multiple dependent claim, if not paid
** Reissue independent claims over original patent
** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	
1051	130	Surcharge - late filing fee or oath	
1052	50	Surcharge - late provisional filing fee or cover sheet	
1053	130	Non-English specification	
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	Extension for reply within first month	55
1252	420	Extension for reply within second month	
1253	950	Extension for reply within third month	
1254	1,480	Extension for reply within fourth month	
1255	2,010	Extension for reply within fifth month	
1401	330	Notice of Appeal	
1402	330	Filing a brief in support of an appeal	
1403	290	Request for oral hearing	
1451	1,510	Petition to institute a public use proceeding	
1452	110	Petition to revive - unavoidable	
1453	1,330	Petition to revive - unintentional	
1501	1,330	Utility issue fee (or reissue)	
1502	480	Design issue fee	
1503	640	Plant issue fee	
1460	130	Petitions to the Commissioner	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Stmt	
8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	Request for Continued Examination (RCE)	
1802	900	Request for expedited examination of a design application	
Other fee (specify) _____			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

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Sharon L. Tabor
Sharon L. Tabor

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Tim L. Brackett, Jr.	Registration No. (Attorney/Agent)	36,092	Telephone	(202) 585-8000
Signature				Date	April 13, 2004